

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MIGUEL RUIZ, JOSE JIMENEZ	§	
and JESUS PERALTA,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 4:20-cv-274
	§	
SAVAGE CONSTRUCTION, L.L.C.,	§	
KYLE SAVAGE, INDIVIDUALLY,	§	
and MARY SAVAGE,	§	
INDIVIDUALLY,	§	
	§	
Defendants.	§	

JOINT DISCOVERY/CASE MANAGEMENT PLAN

TO THE HONORABLE JUDGE VANESSA D. GILMORE:

Plaintiffs Miguel Ruiz, Jose Jimenez and Jesus Peralta (collectively, the "Plaintiffs") and Defendants Savage Construction, L.L.C. (the "Company"), Kyle Savage and Mary Savage (collectively, the "Defendants") file this Joint Conference Report of the meeting Under Rule 26(f) as follows:

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.

The parties conferred by email relating to the matters addressed herein beginning April 2, 2020. Patricia Haylon participated for the Plaintiffs and Robert C. Rice participated for the Defendants.

2. List the cases related to this one that are pending in any state or federal court, with the case number and court.

There are no other related cases.

3. Briefly describe what the case is about.

The Plaintiffs claim that the Defendants are liable to them for unpaid overtime wages, liquidated damages and attorneys' fees for violations of the Fair Labor Standards Act, 29 U.S.C. Section 207 (2020) (the "FLSA"). The Defendants deny any and all claims.

4. Specify the allegation of federal jurisdiction.

This Court has federal question jurisdiction over this lawsuit in that it arises under the FLSA.

5. Name the parties who disagree and the reasons.

None.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

None at this time.

7. List anticipated interventions.

None at this time.

8. Describe class-action issues.

None.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

The parties have agreed that the initial disclosures will be exchanged on or before May 15, 2020.

10. Describe the proposed agreed discovery plan, including:

A. Responses to all the matters raised in Rule 26(f);

The parties have discussed the basis of their claims and defenses. The parties have discussed the possibility of early resolution. The parties have agreed that no limitations to the discovery process are necessary.

1. Issues Relating To Disclosure Or Discovery of Electronically Stored Information:

The parties have discussed the discovery of electronically stored information. The Plaintiffs do not anticipate the discovery of electronically stored information at this time. The Defendants reserve the right to object to such discovery requests pursuant to the Federal Rules of Civil Procedure, if necessary.

B. When and to whom the Plaintiff anticipates he may send interrogatories.

The Plaintiffs will propound interrogatories to the Defendants by May 29, 2020.

C. When and to whom the Defendants anticipate they may send interrogatories.

The Defendants will propound interrogatories to the Plaintiffs before the discovery deadline ordered by the Court.

D. Of whom and by when the Plaintiff anticipates taking oral depositions.

The Plaintiffs anticipate deposing fact witnesses within one hundred twenty (120) days following their identification by Defendants.

- E. Of whom and by when the Defendants anticipate taking oral depositions.

The Defendants anticipate deposing fact witnesses before the discovery deadline ordered by the Court.

- F. When the Plaintiff (or the party with the burden of proof) will be able to designate experts and provide reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.

The Plaintiffs anticipate designating experts and providing expert reports by October 16, 2020. The Defendants will designate experts and provide reports within thirty (30) days of receiving the Plaintiffs' Designation of Experts.

- G. List expert depositions the Plaintiff anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

The Plaintiffs anticipate deposing the Defendants' expert witness(es) within sixty (60) days of the Defendants' Designation of Experts.

- H. List expert depositions the Defendants anticipate taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

The Defendants anticipate deposing expert witnesses before the discovery deadline ordered by the Court.

11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

The parties have no disagreements regarding the discovery plan.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

There has been no additional discovery undertaken.

13. State the date that planned discovery can reasonably be completed.

Planned discovery can be completed by January 11, 2021.

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

The parties agree to consider mediation of the case as soon as some necessary preliminary discovery is completed.

15. Describe what each party has done or agreed to do to bring about a prompt resolution.

The parties agree to consider mediation of the case as soon as some necessary preliminary discovery is completed.

16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.

The parties agree to consider mediation of the case as soon as some necessary preliminary discovery is completed.

17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

The parties do not agree to a trial before a magistrate judge.

18. State whether a jury demand has been made and if it was made on time.

A jury demand has not been made.

19. Specify the number of hours that it will take to present the evidence in this case.

The parties anticipate that it will take approximately ten (10) to (15) hours to present the evidence in this case.

20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

There are no pending motions.

21. List other pending motions.

None.

22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the Court at the conference.

None.

23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference, listing the date of filing for original and any amendments.

The Plaintiffs filed their Certificate of Interested Persons on January 28, 2020. The Defendants will file their Certificate

of Interested Persons on or before May 15, 2020. No amendments have been filed.

24. List the names, bar numbers, addresses and telephone numbers of all counsel.

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Respectfully submitted,

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